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Hastings, GOP target Endangered Species Act

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WASHINGTON — The gray wolf hit a major milestone on Dec. 21, when the Obama administration said the wolf's population in the Great Lakes region had grown to the point where the animals no longer required federal protection. With more than 4,000 gray wolves in Minnesota, Wisconsin and Michigan, Secretary of the Interior Ken Salazar said the wolf could be removed from the Endangered Species List, which "once again ... has proved to be an effective tool for bringing a species back from the brink of extinction."

But critics of the law say that happens far too infrequently, and that's a big reason that many Republicans in the House of Representatives — led by Doc Hastings of Washington state — want to overhaul the 38-year-old law. Of the nearly 2,000 U.S. and foreign plant and animal species that the nation's endangered species law protects, only two dozen have "recovered" to the point where they could be taken off the endangered list, according to figures the Fish and Wildlife Service compiled.

"That's a 1 percent recovery rate, and I firmly believe that we can do better," Hastings, the chairman of the House Natural Resources Committee, said at a hearing of his committee earlier this month. When Hastings took control of the committee last January, he said that changing the law wasn't among his top priorities. But he's ready to take it on now, promising a series of hearings on the subject in 2012. Hastings may be entering dangerous territory: A former Republican chairman of the committee, Richard Pombo of California, tried hard to change the law, only to earn the enmity of environmentalists, who helped defeat him in 2006.

Hastings said the Endangered Species Act — which Republican President Richard Nixon signed into law in 1973 — "is failing, and failing badly" in its efforts to recover endangered species. He noted that it hasn't been updated since 1988. While he has yet to outline specific changes he'll pursue, Hastings said: "I believe it's the responsibility of this committee and Congress to ask questions and examine if the original intent of this law is being carried out two decades later."

Environmental groups are ready to challenge Hastings. Kieran Suckling, the executive director of the Center for Biological Diversity in Tucson, Ariz., said scientists had concluded that it took an average of 42 years for a species to recover to the point where it no longer was endangered. As an example, Suckling said, the Utah prairie dog went on the list in 1973, with an expected recovery time of 67 years, and its population already has grown from 3,000 to 11,000.

"What we should be asking is: Are we preventing extinction? ... The ESA is 99.9 percent effective in preventing extinction," Suckling said at the hearing. Environmentalists say that a diverse variety of plant and animal species is vital to a healthy planet and beneficial to humans.

Hastings told his colleagues that the law has prompted hundreds of lawsuits, which have blocked too many job-creating projects. In July, he said, the Interior Department agreed to a settlement that covered 779 species in 85 lawsuits. And he said the federal government still had more than 180 pending ESA-related lawsuits.

“During these challenging economic times, America cannot afford runaway regulations and endless lawsuits,” Hastings said. Doug Miller, the general manager of Pacific County Public Utility District No. 2 in Washington state, said a group of public utility districts had to abandon a proposed wind energy project because of the ESA. He said the districts lost about \$4 million in development costs because of permitting issues linked to concerns about the marbled murrelet, a small seabird that nests in coastal forests of the Pacific Northwest.

Miller said the project was scrapped “after more than three years of interactions” with the Fish and Wildlife Service. “It is highly unfortunate that the project could not succeed despite the best efforts of the many parties involved,” he said.

Republican Rep. Raul Labrador of Idaho, a member of the Natural Resources Committee, complained that the law is so broad that the federal government can intervene even if a species is only in one state. “We’ve been confronted in Idaho with the potential listing of the slickspot peppergrass, which only exists within the state of Idaho,” he said. The slickspot peppergrass is a rare desert flower that’s found only in the southwestern part of the state.

Republican Rep. Tom McClintock of California, another member of the Natural Resources Committee, said the ESA had moved “from legitimate and sensible measures to the realm of political extremism and outright plunder.” He said the law was being used “to justify the destruction” of hydroelectric dams on the Klamath River because of concerns of a decline in the salmon population.

Rep. Edward Markey of Massachusetts, the top-ranked Democrat on the Natural Resources Committee, said the ESA “is that rarest of laws that has become a victim of its own success.” He said it had succeeded partly because industry and environmental groups had been able to sue the government over ESA decisions. Going to court, Markey said at the hearing, “is as fundamental to our rights as freedom of speech or the right to vote.”

Salazar said the decision to remove the gray wolf from the Endangered Species List was proof that the wolves “are now fully recovered and healthy” in the Great Lakes region. Minnesota has an estimated 2,921 wolves, while Wisconsin and Michigan have 782 and 687, respectively.

Salazar said each state had come up with a plan to manage its wolves after the animals lost federal protection, but that the federal government still planned to monitor how they were doing for at least five years.